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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JEREMY TYSON,) Case No. 2:18-mj-0047-PAL
DEANDRE SPENCER, and)
SHKEYA JOSEPH,) Stipulation to Continue
Defendants.) the Preliminary Hearing
) (*First Request*)
)
)

IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE ELIESON, United States Attorney, and CRISTINA D. SILVA, Assistant United States Attorney, counsel for the United States of America, RACHEL KORENBLAT, ESQ., counsel for Defendant JEREMY TYSON, RICHARD A. WRIGHT, ESQ., counsel for Defendant DEANDRE SPENCER and WILLIAM H. BROWN, ESQ., counsel for SHAKEYA JOSEPH , that the preliminary hearing date in the above-captioned matter, currently scheduled for January 29, 2018, at 4:00 pm, be vacated to a date and time convenient to this Honorable Court but in any event no sooner than 30 days.

This stipulation is entered into for the following reasons:

1. The parties have initiated discussions regarding possibly resolving the case pre-indictment. Additional time is needed for defense counsel to receive and review the discovery in order to engage in negotiations.

2. The parties agree to the continuance.

3. Defendant SPENCER is incarcerated, but does not object to the continuance. Defendants TYSON and JOSEPH are released on a personal recognizance bond and do not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the first request for a continuation of the preliminary hearing.

DATED this 23rd day of January, 2018.

Respectfully submitted,
DAYLE ELIESON
United States Attorney

//s// Rachel M. Korenblat
RACHEL M. KORENBLAT
Counsel for Defendant, JEREMY TYSON

//s// Cristina D. Silva
CRISTINA D. SILVA
Assistant United States Attorney

//s// Richard A. Wright
RICHARD A. WRIGHT
Counsel for Defendant, DEANDRE SPENCER

//s// William H. Brown
WILLIAM H. BROWN
Counsel for the Defendant, SHAKEYA JOSEPH

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DISTRICT OF NEVADA**

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)
Defendants.)
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ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties have initiated discussions regarding possibly resolving the case pre-indictment. Additional time is needed for defense counsel to receive and review the discovery in order to engage in negotiations.
 2. The parties agree to the continuance.
 3. Defendant SPENCER is incarcerated, but does not object to the continuance. Defendants TYSON and JOSEPH are released on a personal recognizance bond and do not object to the continuance.
 4. Additionally, denial of this request for continuance could result in a miscarriage of justice.
 5. The additional time requested herein is not sought for purposes of but to allow for a potential pre-indictment resolution of the case.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the first request for a continuation of the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendants' consent, pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for January 29, 2018, at the hour of 4:00 pm, be vacated and continued to **March 1, 2018**, at the hour of 4:00 p.m.

DATED 2nd day of February, 2018.

Peggy A. Leen
THE HONORABLE PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE